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**IN THE UNITED STATES DISTRICT COURT**  
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**FOR DISTRICT OF NEVADA**  
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10 ROBERT L. FITZGERALD

Case No.: 3:10-CV-00001-RCJ-VPC

11 Plaintiff,

12 v.

**AMENDED ORDER GRANTING**  
**MOTION TO RELEASE AND**  
**RETURN DEPOSITED FUNDS**

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14 MORTGAGE ELECTRONIC  
15 REGISTRATION SYSTEMS, INC.,  
16 QUALITY LOAN SERVICE CORP., CTX  
MORTGAGE, and INDYMAC BANK,

17  
18 Defendants,  
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21 COMES NOW, Plaintiff, ROBERT L. FITZGERALD, by and through Counsel,  
22 TREVA J. HEARNE, RENO LAW GROUP, formerly HAGER & HEARNE, and moves  
23 this Court to release and return the funds deposited by the Plaintiff. In support of this  
24 Motion, the Plaintiff relies upon the record of this matter and the following Points and  
25 Authorities.  
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1           **I.       Introduction.**

2           This matter was one of several hundred filed during and after what was referred  
3 to as the mortgage crisis of 2008. This particular matter was filed in the District Court  
4 of Washoe County before January 2010. On January 3, 2010, a Petition for Removal  
5 was filed to remove the case to federal court.

6           On January 19, 2011, this matter was joined with thousands of other matters and  
7 removed to the multi district MERS litigation in Arizona by Order entered by this Court.  
8 The MERS litigation was concluded and this matter was returned to this Court where an  
9 Order of Summary Judgment was entered on 10/27/11.

10          On 02/27/2012, Hager and Hearne sent a letter to the Court asking that the  
11 deposited funds be released. This was done on instruction of the then Clerk for the  
12 Honorable Robert C. Jones.

13          In 2013 the law firm of Hager & Hearne was dissolved. The Honorable Brent  
14 Adams, Second Judicial District Court ordered Treva J. Hearne to wind up all matters  
15 for the firm. In 2015 Treva J. Hearne retired from the active practice of law.

16          Recently, counsel for Mr. Fitzgerald was notified that the deposited funds had  
17 not been returned and that a Motion for return of the deposited funds was necessary.  
18 Pursuant to that directive, this Motion is filed.

19           **II.      Motion to release deposited funds to Mr. Fitzgerald since the**  
20           **case was dismissed on summary judgment without a negotiated**  
21           **settlement.**

22          Pursuant to the directive of the Court, the Plaintiff, by and through counsel,  
23 states that no further matters in this case are pending and that the funds should be  
24

returned to Mr. Fitzgerald forthwith. Mr. Fitzgerald moves this Court to return all deposited funds as held by this Court in this matter because no negotiated resolution of this matter ever occurred.

### III. Conclusion

WHEREFORE, FOR THE ABOVE-STATED REASONS AND CIRCUMSTANCES, the Plaintiff moves this Court to return all deposited funds in this matter to the Plaintiff. DATED this 17<sup>th</sup> day of April, 2023.

DATED this 17<sup>th</sup> day of April, 2023.

/s/ TREVA J. HEARNE  
Treva J. Hearne  
RENO LAW GROUP  
433 W. Plumb Lane  
Reno, Nevada 89509  
Tel: (775) 329-5811  
Fax: (775) 329-5819  
Email: TrevaHearne@gmail.com  
*Attorney for Plaintiff*

## ORDER

**IT IS HEREBY ORDERED** that the Motion for Release of Funds (ECF No. 84) is GRANTED and the Clerk shall return all deposited funds with interest in this matter to Plaintiff.

**IT IS SO ORDERED.**

Dated this 13th day of June, 2023.

  
ROBERT C. JONES  
UNITED STATES DISTRICT JUDGE